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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS
HOLDING, INC., ET AL

: DOCKET NO. 04-1150

VS.

: JUDGE TRIMBLE

TOTAL CONTAINMENT, INC., ET
AL

: MAGISTRATE JUDGE WILSON

JUDGMENT

Pursuant to the Memorandum Ruling of this date,

IT IS ORDERED, ADJUDGED AND DECREED that the motion for summary judgment filed by Dayco Products, LLC and Mark IV Industries, Ltd to dismiss Plaintiffs' exemplary damage claims (doc. #445) is hereby **GRANTED IN PART** and **DENIED IN PART**. The motion for summary judgment is hereby **GRANTED** dismissing the punitive damages claims for those injuries that occurred in Louisiana; the motion for summary judgment for those injuries that occurred in Texas is hereby **DENIED**.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 11th day of October, 2006.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE